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General Assembly

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**United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea**
**Tenth meeting**
17-19 June 2009

# Format and annotated provisional agenda

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, which established the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions at the Consultative Process that best facilitates its work, in accordance with the rules of procedure and practices of the General Assembly. It is recalled that the mandate of the Consultative Process was extended by the General Assembly for three-year periods by resolutions 57/141 and 60/30, and for an additional two-year period by resolution 63/111.

2. On the basis of consultations with delegations and of an informal preparatory meeting held at United Nations Headquarters on 25 March 2009, the co-chairpersons, Paul Badji (Senegal) and Don MacKay (New Zealand), developed a format for the discussions at the tenth meeting of the Consultative Process (see annex I) and are proposing a provisional agenda for the meeting (see annex II).

3. The areas of concentration for the discussion panel on the topic "Implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings" are presented in annex III and are intended to identify important issues that the discussion panel may wish to consider, in particular by reference to the annual report of the Secretary-General on oceans and the law of the sea (A/64/66).

4. The Consultative Process is invited to consider, as appropriate, and to adopt the provisional agenda.

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# Annex I

## Format for the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

### Methods of work

1. Pursuant to General Assembly resolution 54/33, at its tenth meeting, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will work through plenary sessions and a discussion panel.

2. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of resolution 54/33. The discussion panel will also be open to participation by representatives of major groups, as identified in section III of Agenda 21 of the United Nations Conference on Environment and Development.[a]

3. Within the constraints of the available accommodation, such representatives of major groups and other observers will be free to attend the plenary sessions in accordance with established practice.

### Agenda

4. At the tenth meeting, the two co-chairpersons will propose a provisional agenda setting out a proposed programme of work for the meeting and a timetable for the plenary sessions and the discussion panel, which will be considered and adopted as appropriate.

### Discussion panel

5. In its resolution 63/111, the General Assembly decided that the Consultative Process at its tenth meeting would focus its discussions on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings. On the basis of consultations with delegations, the two co-chairpersons proposed an outline for the topic to be discussed by the panel at the tenth meeting. The co-chairpersons intend to invite a limited number of panellists to launch the discussions by making short presentations on relevant questions.

### Outcome of the tenth meeting

6. The two co-chairpersons will provide delegations with an opportunity to consider the nature of the outcome of the tenth meeting of the Consultative Process. The two co-chairpersons will propose that, in accordance with past practice, the outcome should consist of a summary of discussions of issues and ideas raised

[a] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

during the plenary sessions and discussion panel; any other outcome the tenth meeting may wish to agree upon; and issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea. The two co-chairpersons will transmit the outcome of the meeting to the President of the General Assembly.

below. For the first two segments, it is proposed to commence with panel presentations followed by discussions among delegations and panellists.

*Segment 1*
*Mandate, objectives and role of the Consultative Process*

(a) Panel presentations;

(b) Discussion.

*Segment 2*
*Outcomes of the Consultative Process and their implementation*

(a) Panel presentations;

(b) Discussion.

**Thursday, 18 June 2009** **10 a.m.-1 p.m.**[a]

**Discussion panel** (*continued*)

*Segment 2* (*continued*)
*Outcomes of the Consultative Process and their implementation*

Discussion.

**3-6 p.m.**[a]

*Segment 3*
*Format and methods of work of the Consultative Process*

Discussion.

**Friday, 19 June 2009** **10 a.m.-1 p.m.**[a]

**Discussion panel** (*continued*)

*Segment 3* (*continued*)
*Format and methods of work of the Consultative Process*

Discussion.

**Second plenary session**

*Item 3. General exchange of views, including on issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea*

8. An opportunity will be provided for interventions relating to the panel discussions, as well as on issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea.

9. A composite streamlined list of issues that could benefit from attention in the future work of the General Assembly, prepared by the co-chairpersons on the basis of part C of the reports on the work of the Consultative Process from its fourth to ninth meetings (A/58/95, A/59/122, A/60/99, A/61/156, A/62/169 and A/63/174 and Corr.1), will be made available to the meeting.

*Item 4. Consideration of the outcome of the meeting*

10. The Consultative Process will be provided with an opportunity to consider the outcome of the meeting.

**3-6 p.m.**

**Third plenary session**

*Item 4. Consideration of the outcome of the meeting (continued)*

# Annex III

## Proposed areas of concentration for the discussion panel on the topic "Implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings, in its first nine meetings"

### Information contained in the report of the Secretary-General

1. The report of the Secretary-General on oceans and the law of the sea to the General Assembly at its sixty-fourth session (A/64/66) provides background information for the discussion panel on "Implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings, in its first nine meetings".

2. The report provides information relating to the establishment of the Consultative Process and its functioning (sections II and III), gives a summary of the outcomes of the first nine meetings of the Process and reviews how those outcomes have generally been incorporated in the relevant General Assembly resolutions and what subsequent major actions have been taken (section IV), and summarizes the views that have been expressed on the achievements and shortcomings of the Consultative Process (section V).

### Discussion panel segments

3. Given the broad range of issues considered by the Consultative Process during its first nine meetings and the range of views expressed regarding achievements and shortcomings, a broader approach to the organization of the discussion panel is suggested to facilitate a more comprehensive and integrated consideration of the issues. It is therefore proposed that the panel concentrate its discussions on the following areas.

#### (a) Mandate, objectives and role of the Consultative Process

4. It is proposed that, following a general introduction on the establishment of the Consultative Process, an opportunity be provided for an exchange of views on its mandate, objectives and role, including the title.

#### (b) Outcomes of the Consultative Process and their implementation

5. It is proposed that the meeting consider the implementation of the outcomes of the Consultative Process with respect to the issues it discussed at its first nine meetings. The following questions, which are indicative and not intended to be exhaustive, could help guide the discussions:

- Have issues considered by the Consultative Process benefited from the discussions at the meetings of the Consultative Process?
- Have the outcomes of the Consultative Process facilitated the work of the General Assembly, in particular in the context of the informal consultations on the draft resolutions on oceans and the law of the sea and on sustainable fisheries? Have the agreed consensual elements been effective in that regard?

- How have the outcomes of the Consultative Process been implemented?
- What has been the effect of the Consultative Process on strengthening cooperation and coordination?
- Have the outcomes of the Consultative Process met the forum's objectives?
- What areas merit further consideration?

**(c) Format and methods of work of the Consultative Process**

6. It is proposed that the meeting consider the format and methods of work of the Consultative Process, in particular issues related to the preparations for the meetings of the Consultative Process and the format and conduct of the meetings. The following questions, which are indicative and not intended to be exhaustive, could help guide the discussions:

**(i) Pre-meeting preparations**

- How can Member States select topics for the Consultative Process in a manner that is both predictable enough to facilitate preparations and ensures that the Consultative Process covers relevant areas over a particular time period, and at the same time is flexible enough to address current issues that are not known several years ahead?
- Has the process for the pre-meeting preparations been adequate? For example, has it provided for sufficient time for preparations?
- Have sufficient opportunities been afforded to States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to strengthen and improve the efficiency of the Consultative Process?
- What were the criteria, other than geographical representation, used in identifying panellists and in selecting those to be invited as panellists? Throughout the nine years of the Consultative Process, have changes been made to the criteria, and if so, what were the changes and the reasons for them?
- Has there been sufficient lead time to identify and invite panellists, including with a view to achieving equitable geographical representation, and make arrangements to secure their participation?
- What areas merit further consideration?

**(ii) Format and conduct of the meeting**

- How was the participation of experts in ocean affairs and the law of the sea, in particular from developing countries, ensured?
- Has the participation of experts in ocean affairs and the law of the sea, in particular from developing countries, been adequate?
- Has participation from intergovernmental organizations been adequate?
- Has participation from major groups as identified in Agenda 21 been adequate?

- How can continued and effective participation by developing countries, relevant organizations and non-governmental organizations be ensured?
- What are the options to strengthen the presence of the United Nations agencies and ensure their effective assistance to the Consultative Process?
- Have discussion panels been effective in fostering an informal exchange of views among participants?
- Have issues considered by the Consultative Process benefited from the panel discussions?
- Have the discussions of the meetings been adequately reflected in the outcomes of the meetings?
- Has the process of preparation and adoption of the consensual elements been adequate?
- What type of outcome do Member States want from the meetings?
- What areas merit further consideration?